

THE CUMMINS LAW FIRM, P.C.

December 14, 2023

The Honorable J. Paul Oetken
Southern District of New York
40 Foley Square, Room 2101
New York, NY 10007

Re: In re Interest Rate Swaps Antitrust Litigation
No. 16-MD-2704-JPO (S.D.N.Y.)

Dear Judge Oetken:

Javelin's meritorious claims were initiated against the defendant banks more than seven (7) years ago and substantially sustained by Judge Engelmayer's order of July, 2017.

A motion for class certification has been fully briefed and awaits a decision and the Credit Suisse settlement awaits approval.

As these matters remain pending, one or more of the defendant banks have admitted to the destruction of electronic communications. We believe these admissions give rise to claims of spoliation although access to that information has been denied.

I have served as trial counsel to Javelin since prior to the time that this litigation was initiated. I will soon celebrate my 91st St. Pat's birthday and have concluded more than six decades as a trial lawyer. If my lifetime warranty were to expire before resolving Javelin's claims, it would impose additional injury on my client.

Consistent with the mandates of the Code of Judicial Conduct (to which I was privileged to contribute), I most respectfully urge the Court

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to resolve the pending matters and to set a status conference in anticipation of the entry of an updated scheduling order.

Respectfully submitted,

/s/ Robert P. Cummins
Robert P. Cummins

Counsel for Plaintiff Javelin
Capital Markets LLC

RPC/djb

cc: Counsel of Record (via ECF)